

### **INTRODUCTORY COMMENTS**

Claims 3, 5-20, 22-28, 30, 31, 33-39 and 56-72 were pending in the subject application for the final Office Action dated October 9, 2007. Claims 10-16, 18, 19, 21, 27, 28, 30, 31, 33-39 and 56-72 have been withdrawn from consideration as being drawn to a non-elected species of the invention. Claims 3, 5-9, 17, 20 and 22-26 currently stand rejected. In view of the following amendments and remarks, reconsideration and allowance of the subject application are hereby requested.

**IN THE CLAIMS:**

1. (Cancelled)

2. (Cancelled)

3. (Currently Amended) A surgical kit for use in spinal surgery, comprising:

spinal implant components comprising an elongate spinal plate member ~~and~~, a number of bone screws adapted to secure said elongate spinal plate member to first and second vertebrae, an interbody fusion implant adapted for disposition within an intervertebral space between the first and second vertebrae to promote fusion, and a bone growth promoting substance for disposition between the first and second vertebrae to facilitate said fusion;

instrumentation adapted for use in association with the spinal surgery and comprising a driver including an end portion configured to drivingly engage said bone screws into engagement with vertebral bone; and

packaging comprising a single container, each of said spinal implant components and said instrumentation integrally contained and sealed within said single container to maintain said spinal implant assembly and said instrumentation in a sterilized condition prior to the spinal surgery, the surgical kit being self-contained to include all of the components and instrumentation within said single container that are required to perform a designated spinal ~~stabilization~~ fusion procedure.

4.-6. (Cancelled)

7. (Previously Presented) The surgical kit of claim 3, wherein said instrumentation is designed for planned disposal.

8. (Previously Presented) The surgical kit of claim 3, wherein said instrumentation is designed for use in association with a limited number of spinal surgeries.

9. (Original) The surgical kit of claim 8, wherein said instrumentation is designed for use in association with a single spinal surgery.

10.-16. (Cancelled)

17. (Previously Presented) The surgical kit of claim 3, wherein said driver comprises a multi-piece instrument assembly including a first portion and a second portion, said first portion being selectively engagable with said second portion, one of said first and second portions including said end portion adapted to drivingly engage said bone screws into engagement with vertebral bone.

18. (Cancelled)

19. (Cancelled)

20. (Previously Presented) The surgical kit of claim 17, wherein said instrumentation is configured to perform multiple functions associated with the spinal surgery.

21. (Cancelled)

22. (Previously Presented) The surgical kit of claim 3, wherein said single container includes a plurality of compartments sized to receive respective components of said spinal implant components and said instrumentation therein.

23. (Previously Presented) The surgical kit of claim 24, wherein said inner container and said outer tray of said packaging are each formed of a material capable of providing direct visualization of said spinal implant components and said instrumentation contained therein.

24. (Previously Presented) The surgical kit of claim 3, wherein said packaging comprises an inner container and an outer tray, said inner container comprising said container which contains and maintains said spinal implant components and said instrumentation in said sterilized condition, said inner container sealed within said outer tray to maintain said inner container in a sterilized condition prior to the spinal surgery.

25. (Previously Presented) The surgical kit of claim 24, wherein said outer tray includes a first removable seal to provide selective access to said inner container, said inner container including a second removable seal to provide selective access to said spinal implant components and said instrumentation contained therein.

26. (Previously Presented) The surgical kit of claim 3, further comprising a template including a number of images corresponding to one or more select sizes of said spinal plate member, one of said template images corresponding to a size of said spinal plate member included with the surgical kit.

27.-72. (Cancelled)